

FARAD CONTINUATION SHEET NO.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5431 OF 2004

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Office notes, office Memoranda  
of Coram, appearance, Court's  
orders or directions and  
Registrar's orders.  
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Court's or Judge's orders.

Mr. V.Z. Kankari for the Petitioner.  
Mr.K.B. Sonvalkar for the Resp.No.1.

**CORAM : R.S. MOHITE, J.**  
**DATED : 22.11.2005.**

**P.C.**

1. By this petition, what is challenged is the correctness of the findings of the three revenue authorities in R.T.S. proceedings cancelling mutation entry No.2246 which was made on the basis of the order of Tahsildar in 1992 effecting partition of the land under M.L.R. Code, 1966. This mutation entry was taken on the basis of the statement of three alleged co sharers. The Advocate for the petitioner however, argued before me that there was no question of there being three co sharers as in the

earlier partition recorded by mutation entry no.994 and certified on 19.10.1956, the land in respect of which mutation entry No.2246 was given to Muktabai who is mother of the petitioner and the wife of Yeshwantrao. If this argument is accepted then Muktabai becomes absolute owner and there is no question of co sharers. In such a situation, there being no co sharers Section 85 of the M.L.R.Code would not have been attracted at all. It is seen that the parties have already been given liberty to approach the civil court to decide their rights. I find no substance in the petition. Hence, petition is summarily rejected.

**(R. S. MOHITE, J.)**